

NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
BAND INSTRUMENT
MANUFACTURING INDUSTRY**

AS APPROVED ON APRIL 13, 1935



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AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
BAND INSTRUMENT MANUFACTURING
INDUSTRY

As Approved on April 13, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
BAND INSTRUMENT MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Band Instrument Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does find that said Amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such Amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
April 13, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made, pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Band Instrument Manufacturing Industry, submitted by the said Industry through its Code Authority.

On September 24, 1934, public hearing was held in Washington, D. C. Every person who requested an appearance was properly heard in connection with statutory and regulatory requirements. The amendment was revised as a result of the hearing and resubmitted to the Industry for approval. The amendment as submitted in final form has been approved by the Industry.

The amendment clarifies certain provisions in the definition and deletes the definitions of "jobber", "retailer" and "agent", which are unnecessary in this Code; it modifies and adds certain labor provisions; it provides for more efficient administration organization; and it adds certain trade practice provisions.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and also in his memorandum which is incorporated herein by reference and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest utilization of the present productive capacity of the industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, this Amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

APRIL 13, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BAND INSTRUMENT MANUFACTURING IN- DUSTRY

(1) Insert between the words in the third line of Section 1 of Article II "remodeling" and "of" the phrase "and/or the original sale thereof by a member of the Industry."

(2) Amend Section 2, Article II, to read as follows:

SECTION 2. The term "member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry either as employer or on his or its own behalf.

(3) Delete Sections 6, 7 and 8 of Article II.

(4) Substitute for the present titular number 9 of Article II, the titular number 6.

(5) Amend Section 3, Article IV, to read as follows:

SECTION 3. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employees.

(6) Amend Section 3 of Article V to read as follows:

No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

(7) Amend Section 4, Article V to read as follows:

SECTION 4. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within three months after the effective date of the amendment.

(8) Amend Section 7, Article V, to read as follows:

SECTION 7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.

(9) To Article V, add the new Section 8 to read as follows:

SECTION 8. No employee shall be discharged, demoted or otherwise discriminated against by reason of making a complaint or giving evidence with respect to an alleged violation of any Code.

(10) Add the following new subsections to Section 7, Article VI:

(g) To make recommendations to the National Industrial Recovery Board for the coordination of the administration of this Code and such other Codes, if any, as may be related to or affect members of the Industry.

(h) To initiate, consider and make recommendations to the National Industrial Recovery Board for the modification or amendment of this Code. Such modification, after such notice and hearings as may be prescribed by the National Industrial Recovery Board shall become effective as a part of this Code and be binding upon every member of the Industry.

(i) To require within a three-month period reports as to the respective occupations engaged in by men and women, together with the rates paid for these.

(11) To Article VII, add the following Section 12:

SECTION 12. *Terms of Sale.*—(a) All invoices shall be due and payable net in thirty (30) days and no more favorable allowance than 2% for cash shall be allowed for prompt payment, provided that such payment shall be presented or mailed on or before the tenth (10th) proxim.

(b) Interest at the rate of not less than six percent (6%) per annum from the net due date shall be charged and collected on all invoices unpaid at the expiration of sixty (60) days after the invoice date; provided, however, that in States where the maximum legal rate of interest is less than six percent (6%), said maximum rate allowed in such State shall be so charged.

Approved Code No. 273—Amendment No. 1.
Registry No. 1640-05.



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